



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,405	02/27/2004	Adrian Buckley	1578.124 (11636-US-PAT)	5236
54120 7590 12/28/2007 RESEARCH IN MOTION, LTD 102 DECKER CT. SUITE 180 IRVING, TX 75062			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/789,405

Applicant(s)

BUCKLEY ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/4/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al. (US 2003/0186695) in view of Anton, JR et al. (US 2007/0124802).

Regarding claims 1 and 15, Bridges discloses that in a radio communication system having a mobile node 68 operable at least to communicate packet data pursuant to a packet communication session by way of a selected network portion of a network part of the radio communication system, the network part having a plurality of network portions, the apparatus for facilitating selection of which of the plurality of network portions forms the selected network portion by way of which the packet data is communicated pursuant to the communication session, the apparatus including a storage element 67 embodied at the mobile node (see

paragraph 53, lines 1-15), the storage element selectably containing a listing of a preferred set of network portions associated with the mobile node together with network-portion capabilities of individual ones of the network portions, if any, forming the preferred set; a selector 54 coupled to the storage element, the selector for selecting the selected network portion by way of which the packet data is communicated, selection made by the selector of one of the network portions, if any, identified in the listing contained at the storage element that exhibits network-portion capabilities of packet data connectivity, and if none of the network portions, if any, identified in the listing exhibit packet data connectivity, selection made by the selector selectably is made of an other network portion not identified in the listing to exhibit packet data connectivity to form the selected network portion by way of which the packet data is communicated. See FIG. 2A and col. 54, lines 1-17.

Bridges fails to disclose that the network portion capabilities are updateable responsive to attempts made by the mobile node to access packet data connectivity of the network portions that the mobile node is authorized to attempt to access.

However, Anton discloses this feature in paragraph 48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Bridges by incorporating this feature taught in Anton for the purpose of ensuring that sensitive portions of the network are only access by authorized subscribers.

Regarding claims 2 and 16, Bridges discloses that the plurality of network portions includes a home network associated with the mobile node, the home network maintaining a preferred roaming list identifying preferred network portions by way of which the mobile node is

to communicate when roaming beyond the home network, and wherein the listing of the preferred set contained at the storage element includes the preferred roaming list. See paragraph 57, lines 1-16.

Regarding claim 3, Bridges discloses that each network portion of the plurality of network portions is identified by a network identifier and wherein the listing contained at the storage element identifies each network portion of the preferred set by the network identifier associated therewith. See paragraph 70, lines 1-15 and paragraph 71, lines 1-14.

Regarding claim 4, Bridges discloses that the network identifier identifying each of the network portions of the preferred set stored at the storage element includes a country code and a network code, the country code identifying a country in which the network portion identified therefrom is located and the network code uniquely associated with the network portion identified therefrom. See paragraph 81, lines 1-25.

Regarding claim 5, Bridges discloses that the network part of the radio communication system is coupled to the mobile node by way of a radio are interfaced and wherein the listing contained at the storage element is formed of information downloaded thereto by way of the radio air interface. See FIG. 2A.

Regarding claims 6 and 17, Bridges discloses that the listing contained at the storage element is updateable. See paragraph 55, lines 1-15.

Regarding claim 7, Bridges discloses that the network-portion capabilities of the individual ones of the network portions include identification of whether the individual ones of the network portions are within communication range of the mobile node to be available thereto

by way of which to communicate, availability of the network portions updateable. See paragraph 55, lines 1-15.

Regarding claim 8, Bridges discloses that the network-portion capabilities of the individual ones of the network portions include identification of whether the individual ones of the network portions provide voice data connectivity and of whether the individual ones of the network portions provide the packet data connectivity. See paragraph 56, lines 1-12.

Regarding claim 9, Bridges discloses that the network portions of the plurality of network portions each broadcast signals containing identification information and wherein the apparatus further includes a detector for detecting the signals containing the identification information. See paragraph 64, lines 1-25.

Regarding claim 10, Bridges discloses that selection made by the selector selectably of the another network portion is of a network portion of which the signals containing the identification information is detected by the detector. See paragraph 61, lines 1-25.

Regarding claim 11, Bridges discloses that the detector detects signals containing the identification information broadcast by a first of the network portions and signals containing the identification information by at least a second of the network portions and wherein selection made by the selector selectably of the another network portion is one of the first and at least second network portions, respectively. See paragraph 62, lines 1-20.

Regarding claim 12, Bridges discloses a packet-connection attemptor adapted to receive indications of selection made by the selector, the packet-connection attemptor for attempting to form a packet-connection with the selected network portion. See paragraph 59, lines 1-13.

Regarding claim 13, Bridges discloses that the packet data communicated pursuant to the packet communication session is communicated to effectuate a packet data communication service with an entity identified by an access point name, and wherein the packet-connection attemptor attempts to form the packet connection with the entity identified by the access point name. See paragraph 60, lines 1-18.

Regarding claim 14, Bridges discloses that the listing contained at the storage element further indexes the access point name together with the network portion through which the packet data is communicated of the packet-connection attemptor successfully forms the packet connection with the entity. See paragraph 91, lines 1-25.

Regarding claim 18, Bridges discloses that the operations of broadcasting signals from at least selected ones of the network portions and detecting, at the mobile node, the signals broadcast during the operation of broadcasting. See paragraph 56, lines 1-12.

Regarding claim 19, Bridges discloses that the selection made during the operation of selectably selecting of the another network portion is of a network portion of which the signals broadcast during the operation of broadcasting and detected during the operation of detecting. See paragraph 57, lines 1-16.

Regarding claim 20, Bridges discloses that the operation of attempting to form a packet connection with the selected network portion. See paragraph 61, lines 1-25.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
sb